

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

Alexis Templeton, Maureen Costello,	)	
Aaron Banks, Kira Hudson Banks,	)	
	)	
Plaintiffs,	)	
v.	)	
	)	
Sam Dotson, Chief of Police,	)	
City of St. Louis,	)	
Jon Belmar, Chief of Police	)	
County of St. Louis,	)	No.
Capt. Ron Johnson, Missouri	)	
Highway Patrol, In their official	)	
capacities and as part of the Unified	)	
Command	)	
	)	
Defendants.	)	
	)	

**DECLARATION OF JAMES MCANALLY**

I, James McAnally, hereby declare as follows:

1. I am a United States citizen and a resident of St. Louis, Missouri, residing in the 3000 block of Oregon Avenue. I am 32 years old.
2. I am the executive editor and co-founder of Temporary Art Review and the founder, Co-Director, and Curator of The Luminary, an incubator for new ideas in the arts based in St. Louis, MO.
3. I have attended dozens of actions where I peacefully exercised my First Amendment rights along with other citizens.
4. I have no aggression towards the police, I have no criminal record and I am not a threat to the police or others.



5. I have engaged police at previous protests, even thanked them personally for not escalating past actions, for allowing us to peacefully express our society's failures and pose possible paths forward.
6. On Tuesday, November 54, 2014, I participated in first amendment activity in Ferguson, Missouri.
7. At approximately 10:00 PM, I arrived in Ferguson, MO with my wife and two friends.
8. By 10:45, I was standing outside the Ferguson police department.
9. There were between 100 and 300 people outside the police station.
10. Between forty and fifty people were in the street in front of the police station at that time.
11. When we arrived, I remained twenty to twenty-five feet from the front of the protest line.
12. I observed the police simultaneously order people back from the street and push them back with their shields.
13. As people fell to the ground from the force of the shields, the police arrested them.
14. The police ordered the crowd to the sidewalk, pushed them back to the sidewalk, and then proceeded to snatch certain members of the crowd and arrest them arbitrarily after they complied with their command.
15. The police maced people on the sidewalk after they ordered them to move there.
16. I was behind the group of people in the front and was hit with the mace as well.
17. After this, the police retreated to the middle of the street and the cycle repeated.



18. After seeing other citizens be maced by the police, my wife and I offered them rides.
19. Because of the mace, these people could not see.
20. Yet the police were screaming at them to leave and were advancing on them.
21. There was no place to go when I attempted to leave; the police surrounded us.
22. Soon, I was being attacked by the police for helping my fellow citizens who were injured by the police as they exercised their First Amendment rights.
23. I stood with my hands up in a position of surrender as two officers rapidly approached me.
24. They picked me up and slammed me to the pavement.
25. Four more officers piled around me.
26. I turned my head back, hearing my wife screaming my name
27. I turned my head in time to watch two other officers pull her to the ground, more encircling her in seconds.
28. One put his knee on her injured back, her crying out in pain, asking him to stop; one on her neck, to pin her down.
29. I was completely clear in that moment. I wasn't scared, nor exactly surprised. I spoke to them calmly, "That's my wife. Will you please let her go? Keep me if you want, but please let her go."
30. I told them we were attempting to leave, that she was only still there because a man whom she had been treating for his mace-burned eyes could not see to drive and needed a ride out of Ferguson.



31. I told them that she was trying to get more people home, away from the protests.

She had stayed behind to help him and his sister and now they were being pulled one way as she lay five feet to my left, herself in need of help that neither they nor I could offer.

32. We were escorted to an open garage, an unheated storage area littered with boxes, Powerade bottles and a dozen other detained protestors. There was an empty bottle of Remy Martin on the table and the inside of a Paychex envelope at my feet.

33. The last two people they dragged into our holding area, now around 27 degrees, were two journalists from Tokyo Broadcasting who we found out later had been maced, then pulled from their car while also trying to leave the scene.

34. The driver, who had been maced, was sobbing uncontrollably, unable to see.

35. He sat there for the next several hours, repeatedly saying "water please; water, please."

36. The solace he received was an officer saying that "you'll get to enjoy it in your cell for the next eight hours." The six others officers standing around laughed.

37. We asked what we were being charged for, how long would we be held.

"Probably just through the night," they said. "The charges probably won't stand."

38. When the time came to process us, the commanding officer asked, "Who wants them?"—meaning who wanted to be the arresting officer, the actual arresting officers nowhere to be found and never appeared.

39. This made sense, since half an hour earlier, we had heard them say that their orders when making arrests was to "just go grab one."



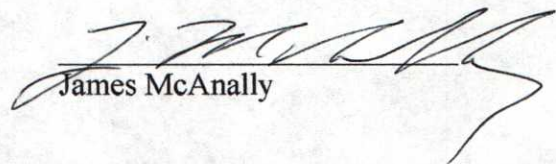
40. They had been instructed to arrest without distinction. To make a point, perhaps, or just to punish. They wanted to warn us of what happens when you speak up, when you show up.
41. After the arresting officers were allocated accordingly, one asked, "What should we charge them with?" The other responded, "Unlawful assembly, or assaulting an officer—whatever you want to charge them with."
42. As a point that was made abundantly clear by a disappointing number of officers' jokes, ridicules and outright hostility to all of the detainees in this alternate reality we found ourselves: all protesters are criminals to them.
43. They were so casual about it. They were lazy. They did not respect our rights or even think they had to take them seriously.
44. They knew that they were making illegal arrests that would be thrown out; that they break basic human rights treaties in front of the world.
45. They did not mind us hearing them talk about it knowingly. In fact, they enjoyed mocking us – my wife and I, the 21 year old college student studying criminal justice to become a detective, the press from Germany and Japan, the kid from North City, the sales rep from St. Charles, the middle aged man who they had hurt bringing in, the ones I don't really even remember.
46. It haunts me because the police were casual like criminals who know they are going to get away with it.
47. I was out in Ferguson that night because I felt strongly about the grand jury's decision that was announced earlier that night. I care about this region. I have been active in trying to bring attention to racialized policing and seeking justice



for Michael Brown since he was shot in August. I believe that peacefully gathering in public spaces is one way to bring attention to this important issue of public concern.

48. I was expressing my opinion that we can't keep having black and brown people gunned down by police and their families not get justice. I stood in Ferguson as a show of solidarity for Michael Brown and other victims of police violence. I believe I was arrested and beaten for expressing those views.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 30, 2014.

  
James McAnally